

Meeting No. 16  
September 22, 2003  
Hamburg Town Board Meeting  
S-6100 South Park Avenue  
Hamburg, New York 14075

Roll Call:	Patrick H. Hoak	Supervisor
	D. Mark Cavalcoli	Councilman
	Kathleen C. Hochul	Councilwoman
	Joan A. Kesner	Councilwoman
	Thomas Quatroche, Jr.	Councilman

Also Present:	Catherine Rybczynski	Town Clerk
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7:00 p.m. Public Hearing to provide for changes in the fire protection contracts for 2004.

LEGAL NOTICE/TOWN OF HAMBURG  
NOTICE OF HEARING

PLEASE TAKE NOTICE that the Town Board of the Town of Hamburg will hold a public hearing on September 22, 2003, at 7:00 p.m. (local time) at the Hamburg Town Hall, 6100 South Park Avenue, Hamburg, New York, in accordance with Section 184 of the Town Law, to provide for changes in the fire protection contracts as follows:

<u>NAME OF COMPANY</u>	<u>2003 CONTRACT</u>	<u>REQUESTED 2004 CONTRACT</u>
Armor Volunteer Fire Co., Inc.	\$193,292	\$198,992
Big Tree Volunteer Fire Co., Inc.	\$372,600	\$372,600
Lake Shore Volunteer Fire Co., Inc.	\$430,300	\$430,300
Lake View Fire District (Town wide fire protection district)	\$40,000	\$40,000
Newton Abbott Volunteer Fire Co., Inc.	\$362,350	\$362,350
Scranton Volunteer Fire Co., Inc.	\$380,800	\$380,800
Village of Hamburg Volunteer Fire Co., Inc. (Town wide fire protection district)	\$129,947	\$133,845
Woodlawn Volunteer Fire Co., Inc.	\$325,600	\$325,600

These contracts provide for fire protection and ambulance service within and/or outside the boundaries of the respective districts. The term of the above contracts shall be for a period of one (1) year with a privilege of renewal for four (4) additional year terms, as provided in and under the conditions stated in each contract. Full opportunity to be heard will be given to all citizens and parties interested.

BY ORDER OF THE TOWN BOARD OF THE TOWN OF HAMBURG

Dated: July 14, 2003

Catherine Rybczynski  
Town Clerk  
Town of Hamburg

**I.**

**RESOLVED**, that the Town Board approve the minutes of the following meetings:

September 8, 2003                      Town Board Meeting

September 15, 2003                      Work Session

Moved: Hochul                              Seconded:  
Roll Call:        Ayes:  
                      Noes:

**II.**

**RESOLVED**, that the Town Board approve the attendance of Duke Spittler, Steven Nicaise and Lee Rockwood to attend the Conference on the Environment to be held at the Hyatt Regency from October 3<sup>rd</sup> to 5<sup>th</sup>, 2003. Cost to be taken out of account A8730.492 in the amount of \$384.25.

Moved: Cavalcoli                              Seconded:  
Roll Call:        Ayes:  
                      Noes:

**III.**

**WHEREAS**, the proud tradition of steelmaking is a vital part of our community's history and identity, and our local economy is still largely linked to the steel industry as a provider of quality jobs.

**WHEREAS**, a thorough Section 201 investigation by the International Trade Commission (ITC) concluded that American Steel companies, communities, families and other, non-steel manufacturing operations were injured as a result of illegally-dumped foreign steel, and the ITC recommended immediate action by the U.S. Department of Commerce to curb the illegal dumping of foreign steel in U.S. markets.

**WHEREAS**, after receiving the ITC's report and carefully considering a number of remedies, the Department of Commerce and the Bush Administration took legal and just corrective action and instituted limited tariffs on specific steel products for a period of three years.

**WHEREAS**, enactment of the tariffs has slowed the illegal dumping of foreign steel and allowed American steelmakers and their employees to partially recover from the crisis sparked in 1998 by illegally dumped foreign steel. If the Steel Industry is to survive, the recovery must be able to continue, and

**WHEREAS**, the American steel industry is currently in a state of wide-scale restructuring and consolidation that will eventually enable the remaining American steel companies to compete effectively in an increasingly global marketplace.

**NOW THEREFORE BE IT RESOLVED**, that this community supports continuation of these protective tariffs through their original three-year term and opposes any efforts to end them prematurely, considering the devastating effects it would have in our community and countless others that still rely on steel manufacturing and its related industries for quality jobs, and

**BE IT FURTHER RESOLVED**, that this body urges the Bush Administration to allow these tariffs to run their course, and that a copy of this resolution be sent to President Bush as evidence that our community supports steel.

Moved: Hoak                                  Seconded:  
Roll Call:        Ayes:  
                      Noes:

**IV.**

**RESOLVED**, that the Town Board approve the hiring and termination of personnel for the Building & Grounds Department as follows:

1. Sam Fraser	Seasonal Laborer	09/26/2003	Terminate
2. Sam Fraser	P/T Laborer	09/29/2003	\$8.80
3. John Ryan	Seasonal Laborer	09/19/2003	Terminate
4. Mike Scinta	Seasonal Laborer	09/05/2003	Terminate
5. Mike Scinta	P/T Laborer	09/08/2003	\$8.80
6. Timothy Smith	Seasonal Laborer	08/22/2003	Terminate
7. Evan Granville	Seasonal Laborer	08/22/2003	Terminate
8. Ron Durshy	Seasonal Laborer	09/12/2003	Terminate
9. Ron Durshy	P/T Laborer	09/15/2003	\$8.80
10. Mike Ersing	Seasonal Laborer	09/12/2003	Terminate
11. Mike Ersing	P/T Laborer	09/15/2003	\$8.80
12. John Zulawski	Seasonal Laborer	09/12/2003	Terminate
13. John Zulawski	P/T Laborer	09/15/2003	\$8.80
14. Marc Hixon	Seasonal Laborer	09/12/2003	Terminate
15. Matt Van Duser	Seasonal Laborer	09/12/2003	Terminate
16. Brian Muldowney	Seasonal Laborer	09/12/2003	Terminate
17. Ryan Quinn	Seasonal Laborer	09/12/2003	Terminate

Moved: Quatroche                      Seconded:  
Roll Call:        Ayes:  
                      Noes:

**V.**

**RESOLVED**, that the Town Board grant permission for the Police Department to purchase one (1) new and unused, 2003 Ford Explorer, XLT Series 220A. Vehicle to be purchased from West Herr Ford, who was the single bidder. The price of the vehicle is \$25,426.00 and money is available in account B3120.202.

Moved: Hoak                      Seconded:

**VI.**

**RESOLVED**, that the Town Board approve the hiring and termination of personnel for the Recreation Department as follows:

1. Nicosia, Katy	B7310(320)	09/15/2003	\$7.50 Seasonal
2. DiFrancisco, Christopher	A7265(230)	09/15/2003	Terminate
3. Houseman, Elise	“	”	Terminate
4. Lesinski, Nicole	“	”	Terminate
5. MacNeil, Tina	“	”	Terminate
6. Mazgaj, Katie	“	”	Terminate
7. McManus, Allison	“	”	Terminate
8. Meyer, Jennifer	“	”	Terminate
9. Pietrocarlo, Adam	“	”	Terminate
10. Ryan, Robert	“	”	Terminate
11. Ryan, Thomas	“	”	Terminate
12. Vitrano, Deanne	“	”	Terminate
13. Brueckl, Timothy	B7310(320) Rec. Attendant	09/14/2003	\$8.00 P/T

Moved: Quatroche                      Seconded:  
Roll Call:        Ayes:  
                      Noes:

**RESOLVED**, that the Town Board approve the Transfer of Appropriations for the Domestic Violence Department within the 2003 Budget as follows:

To fund part time clerk through year end.

Seconded:

**WHEREAS**, the Erie County Soil & Water Conservation District is interested in preserving and improving the water quality in priority watersheds in Erie County; and

**WHEREAS**, fish propagation and survival has been identified as a primary use impairment in the Eighteen mile Creek Watershed and the primary source of pollution in the watershed has been identified as streambank erosion; and

**WHEREAS**, the County of Erie and eight municipalities in the Eighteenmile Creek Watershed, including the Town of Hamburg have been identified by the District as potential partners to support the District’s efforts to install Best Management Practices (BMPs) to stabilize the streambanks and improve aquatic habitat; and

**NOW THEREFORE BE IT RESOLVED**, that the Town of Hamburg commits \$10,000 to join the Eighteenmile Creek Streambank Stabilization Partnership Program and support the Erie County Soil & Water Conservation District's application for Non-Ag Nonpoint Source Abatement and Control Program of the NYS Environmental Protection Fund and/or Environmental Bond Act; and

**BE IT FURTHER RESOLVED**, that a copy of this Resolution be submitted to the Erie County Soil & Water Conservation District prior to September 30, 2003 to be included as part of the application process; and

Roll Call:      Ayes:                      Seconded:  
                     Noes:

**BE IT RESOLVED**, that the Town Board authorize the use of STAR funds, in the amount of \$5,000, to upgrade the existing GIS system software, and

**BE IT FURTHER RESOLVED**, that the Town Board approve the use of Nussbaumer and Clark to provide professional services to complete the programming, implementation and training associated with the software upgrade at a cost not to exceed \$4,000.

Moved Kesner  
Roll Call: Ayes:  
Noes:

**BE IT RESOLVED,** The Town Board approve the out-of-town travel request of Bob Hutchison, Town Assessor, to attend the Property Defects and Real Estate Issues seminar sponsored by the Appraisal Institute on October 15<sup>th</sup> at the Buffalo Convention Center. The cost is \$50. Funds are available in Account No. A1355.492

Moved: Kesner  
 Roll Call: Ayes:  
 Noes:

**RESOLVED**, that the Town Board approve the Transfer of Appropriations for the Highway Department as follows:

From: Office Equipment	A5010.203	\$1,800.00
To: Water	A5132.465	\$1,800.00

To fund account to year end.

Moved: Quatroche  
Roll Call: Ayes:  
Noes:

**BE IT RESOLVED**, that the Town Engineer's report on the completion and acceptance of the sanitary sewer extension for the TURNING POINT SUBDIVISION installed under Public Improvement Permit No. 799 be received and accepted, effective upon the date of the Supervisor's signature.

Moved: Cavalcoli  
 Roll Call: Ayes:  
 Noes:

**BE IT RESOLVED**, that the proposed rezoning from R-3 to C-1, local retail in order to accommodate an expansion for Canine Capers located at 5310 Southwestern Boulevard be removed from the table.

Moved: Cavalcoli  
 Roll Call: Ayes:  
 Noes:

**XIV.**

**WHEREAS**, in compliance with Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act – SEQRA) of the Environmental Conservation Law, the Hamburg Town Board has reviewed the proposed rezoning from R-3 to C-1, at 5310 Southwestern Boulevard in order to accommodate an expansion of a local retail business, Canine Capers, and

**WHEREAS**, the rezoning will not adversely affect the natural resources of the State and/or the health, safety, and welfare of the public, and is consistent with social and economic considerations.

**THEREFORE BE IT RESOLVED**, that the Town of Hamburg has determined that the proposed rezoning of the property at 5310 Southwestern Boulevard from R-3 to C-1 is not anticipated to result in any significant effect on the environment, and that a Negative Declaration (Notice of Determination of Non-Significance) is hereby issued, based on the following reasons:

1. The proposed rezoning is in conformance with the adopted Town of Hamburg Comprehensive Plan (1997 Master Plan Update);
2. The rezoning and subsequent modifications to the site will have little additional physical impact on the natural, manmade, or environmental resources of the Town;
3. The structure, parking and utilities are existing in place in a predominately commercial area.

**BE IT FURTHER RESOLVED**, that the Supervisor be authorized to sign the Environmental Assessment Form, and prepare the appropriate notices and filings in accordance with the SEQRA procedures.

Moved: Cavalcoli

Seconded:

Roll Call: Ayes:

Noes:

**XV.**

**WHEREAS**, the Town of Hamburg Code Review Committee has received a rezoning application from Ed Bentley at 5310 Southwestern Boulevard for rezoning from R-3 to C-1, in order to accommodate expansion of this existing local retail business, and

**WHEREAS**, the Town of Hamburg Planning Board has reviewed the application and accompanying materials and recommends approval of the proposed rezoning from R-3 to C-1 of 5310 Southwestern Boulevard, and

**WHEREAS**, the proposed rezoning is in conformance with the adopted Town of Hamburg 2010 Comprehensive Plan (1997 Master Plan Update), and

**WHEREAS**, the Town Board has held the required Public Hearing, and

**WHEREAS**, in compliance with Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act – SEQRA) of the Environmental Conservation Law, the Hamburg Town Board has reviewed the proposed rezoning from R-3 to C-1 of 5310 Southwestern Boulevard, and issued a SEQRA Negative Declaration.

**NOW THEREFORE BE IT RESOLVED**, that the Town of Hamburg hereby adopts the proposed rezoning from R-3 to C-1 of 5310 Southwestern Boulevard based on the following reasons:

1. The modifications are in conformance with the adopted Town of Hamburg Comprehensive Plan (1997 Master Plan Update).
2. The modifications to the site will have little additional physical impact on the natural, manmade, or environmental resources of the Town, and are designed to direct appropriate development as recommended in the Master Plan and protect important environmental resources throughout the Town.
3. The structure, parking and utilities are existing in place in a predominately commercial area.
4. This is an effective use of the property: an existing business, and the applicant will be allowed to live on the premises as this is a legal, non-conforming use.

Moved: Cavalcoli

Seconded:

Roll Call: Ayes:

Noes:

## **Correspondence - September 22, 2003**

121 - To Catherine Rybczynski, Town Clerk, from Jeanne Coleman, Adelphia, stating that beginning October 1<sup>st</sup> Adelphia will be unveiling its new Adelphia ValuePaks with new programming services available along with high definition television.

122 - To Supervisor Hoak from Community Services for the Developmentally Disabled, Inc. stating that their letter is formal notification of intent to develop an Individual Residential Alternative Facility to be located at 4596 Lake Avenue, Hamburg, New York.

123 - To the Town Board from Joe Kilian, COLT, asking that the Town Board make a decision on which plan they want for Route 5 so that the State can proceed with the project which would include a waterline replacement that Erie County Water Authority is mandating. They do not want to pay twice for the waterline.

124 - To Supervisor Hoak from Erie County Department of Environment & Planning stating that the Erie County Southtowns Treatment Agency currently holds a 25-year easement from the State of New York for its sixty six-inch outfall sewer which is about to expire. The application for renewal will request an additional 1,000 feet easement for a total length of 3,300 feet into Lake Erie. Notice to the Town is required at least 20 days before the date of application and the application will be made on October 15, 2003.